

RONALD J. YENGICH, #3580
YENGICH & XAIZ
Attorneys for Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 355-0320
Fax: (801) 364-6026

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DOUGLAS HAYES,

Defendant.

MOTION TO SUPPRESS

Case No. 2:14-CR-00013 TS

Judge Ted Stewart
Magistrate Judge Brooke Wells

Defendant, James Douglas Hayes (“Hayes”), by and through his attorney of record, Ronald J. Yengich, hereby moves this court to suppress any and all evidence seized in this case as a result of an illegal stop and detention of his vehicle, and a subsequent search of his trailer, on December 19, 2013, in St. George, Utah. Defendant makes this Motion on the grounds that the officers did not have reasonable suspicion to initially stop Hayes’ vehicle, nor to further detain him. Further, the subsequent Affidavit for Search Warrant lacked the necessary probable cause to support the issuance of a search warrant, and therefore resulted in an unconstitutional search of Hayes’ trailer. As a result of the illegal stop, detention and search, the officers

obtained evidence in violation of the Defendant's constitutional rights pursuant to the Fourth Amendment to the United States Constitution. Consequently, the defendant asserts that all evidence seized pursuant to the stop, detention and search warrant must be suppressed. Defendant respectfully requests that an evidentiary hearing be held with regard to the illegal stop and detention of Hayes. A supporting memorandum will accompany this motion.

RESPECTFULLY SUBMITTED this 12th day of September, 2014.

By /s/ Ronald J. Yengich
RONALD J. YENGICH
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I mailed/faxed/electronically filed a true and correct copy of the foregoing Motion to Suppress, on the case styled *United States v. Hayes*, postage prepaid, this 12th day of September, 2014, to:

Matthew L. Bell
Assistant United States Attorneys
20 North Main Street, Suite 208
St. George, UT 84770

/s/ Myrleen Wright